

12 SOLDIER HOSPITALS AT COST OF \$17,000,000; ONE FOR NEW ENGLAND

House Appropriation Committee Makes Recommendation of Hospital of 500 Beds For Neuro-psychiatric Cases To Be Erected in New England District

PROPOSE WORK
START AT ONCE
ON CONSTRUCTION

Bill Makes Direct Appropriation of \$12,000,000 During Next Fiscal Year, Remainder To Be Drawn Out As Required—New England Hospital to Cost \$1,500,000 -

Washington, D. C., May 4.—Erection of twelve soldier hospitals at a cost of \$17,000,000 and with a total capacity of 5,400 beds is provided for in a bill reported to-day by the House appropriations committee.

The bill makes a direct appropriation of \$12,000,000, this being the sum estimated to be withdrawn from the treasury during the next fiscal year. Authority is given, however, for the additional \$5,000,000 and the director of the Veterans' bureau, the committee declared, will be able to start work as soon as possible in the localities contemplated under the Langley bill authorizing the \$17,000,000 outlay. The additional funds, it was stated, may not be required before 1924.

The facilities proposed to be acquired with approximate cost figures as outlined to the committee by Director Forney include:

District No. 1, New England area, neuro-psychiatric cases, 500 beds, \$1,500,000.

District No. 2, New York, New Jersey and Connecticut, tuberculosis cases, 500 beds; general cases, 150 beds, \$2,100,000.

SHEPPARD-TOWN
ACT IS CALLED UN-CONSTITUTIONAL

Attorney General Allen of Massachusetts Urges His State to Fight Federal Act.

Boston, May 4.—The Sheppard-Town act, providing for federal and state co-operation in promoting maternity and infancy welfare and hygiene, was declared to be unconstitutional in an opinion given the legislature to-day by Attorney General Allen. In his opinion, he said Congress had exceeded its authority in that the legislation involved police powers which were reserved exclusively to the states. He suggested that Massachusetts might well test the validity of the act in the supreme court.

SECOND NARROW ESCAPE.

Ambassador Herrick's Automobile Was Struck By Taxicab in Paris.

Paris, May 4.—(By the Associated Press.)—Myron T. Herrick, the American ambassador, again miraculously escaped death yesterday when a taxicab in the Avenue de l'Opera crashed into his automobile, badly smashing the car. Mr. Herrick, luckily, escaped without a scratch, this being the second time within a few months. His other narrow escape was when a bomb exploded in his residence Oct. 19 of last year, only a few minutes before he arrived.

FAVORABLE REPORT.

On Bill Extending Activities of War Finance Corporation.

Washington, D. C., May 4.—The House committee on banking and currency to-day ordered a favorable report on the bill recently passed by the Senate extending the activities of the war finance corporation for one year from June 30 next, although amending it to include several of the recommendations recently made by the corporation.

SENATE ADOPTS REPORT.

On Agriculture Appropriation Bill and Sends It to White House.

Washington, D. C., May 4.—The Senate late yesterday adopted the conference report on the agriculture appropriation bill and sent the measure to the president. As finally passed the bill carries \$26,774,000, an increase of approximately \$1,982,000 over the amount appropriated in the House bill.

RUTHS DOING WELL.

Babe Had Tonsils Removed—Doctors Say Nothing About Mrs. Ruth.

New York, May 4.—The Ruths—Babe and Mrs. Babe—underwent operations at St. Vincent's hospital to-day, and both were reported resting comfortably shortly afterwards. The home run batter had his tonsils removed. Doctors would not discuss his wife's trouble.

BANK LOAN BONUS BILL IS APPROVED

Senate Finance Committee Will Submit That to the President.

Washington, D. C., May 4.—Chairman McCumber of the Senate finance committee was authorized formally to-day by the majority of that committee to present his soldiers' bonus plan, with the bank loan provision, to President Harding as the committee plan. Senator Smoot, Republican, Utah, however, informed the committee members that he also would lay before the president his bonus plan, which contemplates a 20-year endowment life insurance plan without any specific provisions for loans to be made to veterans.

CROKER'S FUNERAL POSTPONED.

Will Be Held To-morrow Instead of To-day.

Dublin, May 4.—(By the Associated Press.)—The funeral of Richard Croker, which had been set for 10:30 a. m. to-day, has been postponed until to-morrow.

BETHEL

Forrest S. Blossom is at the home of his brother-in-law, Dr. George C. Taplin of Brookline, Mass., for treatment for appendicitis. He became ill Monday while handling roofing at his father's hardware store and Dr. F. C. Angell of Randolph diagnosed the case as one of appendicitis. Hoping that an operation might be averted, he decided to take the treatment of Dr. Taplin, who is a medical and osteopathic physician.

Eleven men and a team are working on the road near E. H. Owen's where a landslide occurred three weeks ago, which completely cut off all traffic by any kind of vehicle. Selectman C. H. Dustin is in charge of the work and the road already has been made passable for teams, though very narrow. If necessary, \$2,000 or more of United States money is available for the construction of an 18-foot road at this place, being Bethel's share of the federal appropriation for two years' last year's money not having been used. As the money, if not used by June 1, will be forfeited, the work is being hurried.

The slide occurred, it is now considered fortunate that it was not used. The slide covers the highway many feet deep at many points.

Mrs. Donald S. Arnold has returned from New York, where she went to meet her mother, Mrs. Barker of Acton, Va.

Miss Grace Reynolds is visiting her sister, Miss Agnes Reynolds, at Lancaster, Pa., and other relatives at State College, Pa.

E. J. Hill went this morning to Rochester to take his work on the mountain at the fire lookout. He is employed by the Vermont Society of Timber Growers, under the direction of the forestry department of the state.

The Whitcomb high school baseball team played its first scheduled game of the season at South Royton and won by a score of 11 to 4. Max Davis pitched well and was fairly well supported. He struck out 15 men. Dewey, the South Royton pitcher, did good work in the box, striking out nine men, but was poorly supported. The Whitcomb boys nearly won the game in the first inning, when the first four men up tallied on two errors, hits by Barnes, K. Hickey, Haikara, and Jebb, and a steal by Barnes. Two hits, two errors and two stolen bases netted two runs in the second. Without a hit by anybody, G. Hickey scored in the fourth after he had drawn a base on balls, taken second on a passed ball and Knight made a brace of errors at second. With the game absolutely on ice, nobody expected anything wonderful in the closing innings, but the crowd which went down from here went White River chapter, No. 84, XXZ, to the City of Hickey and Jebb filling the box, Dumas was put in as a pinch hitter for Trask and scored all three men with a terrific three-bagger, later scoring himself on an error. Dumas was nearly as much the hero of the occasion as his big back had won it. The fine school spirit was shown by the large crowd of students present.

A joint installation of officers of White River lodge, No. 90, F. & A. M., and White River chapter, No. 84, O. E. S. of the Eastern Star, was a very pleasant occasion last evening. About 100 persons attended including sprinkling of visitors. A banquet was served at 11 o'clock, following the installations. For the Masons, Past Master W. R. Briggs was the installing officer and H. F. Perkins the deputy grand master. The names of the officers have been published previously. For the Eastern Star chapter, the installing officer was Grand Secretary Abbie F. Clark of Randolph, who was given a handsome bouquet after the ceremony. The grand marshal of the Eastern Star installation was Mrs. A. N. Washburn. The officers installed were: Worthy matron, Mrs. Fred C. Putnam; worthy patron, Rev. Will C. Harvey; associate matron, Mrs. W. R. Briggs; secretary, Mrs. Lillian Cady; treasurer, Mrs. Luella Kidder; assistant conductress, Mrs. W. G. Shaw; chaplain, Mrs. E. L. Bass; marshal, Miss Dorothy Cady; Adah, Miss Mildred Shaw; Ruth, Mrs. Robert Noble; Esther, Mrs. W. C. Clifford; Martha, Mrs. George L. Abbott; Electa, Mrs. F. E. Wallace; wander, Mrs. W. T. Rogers; sentinel, Mrs. E. Wallace. Music was furnished throughout the evening by an orchestra made up of M. L. Wyman, Jr., A. R. Brooks, Homer W. Clark, E. H. Kirtledge and Jesse T. Moody.

Rev. and Mrs. Mason W. Shurt of Whiteville, Mass., were here Tuesday on their way to visit in Rochester, a former home of both.

J. Ward Carver of Barre, A. H. Graves of Waterbury and F. E. Steele, Jr., of Boston were at the Barre house yesterday.

TRUCE HALTS CIVIL WARFARE

Rival Irish Republican Forces Cease Their Offensives

BOTH WILL TRY
TO KEEP ORDER

Truce Lasts Four Days
Until Monday at
4 p. m.

Dublin, May 4.—(By the Associated Press.)—A truce between the rival Irish republican army forces has been declared, it was announced this afternoon.

The truce is operative from 4 o'clock this afternoon until 4 p. m. Monday with view to giving both sections of the army an immediate opportunity to discuss a basis for army unification. The provisions of the truce are:

Clause I—All operations except training and ordinary army routine will cease.

Clause II—All penetrative operations will cease.

Clause III—Both sections will co-operate to maintain order and prevent acts of aggression against persons or property.

The document is signed by Owen O'Duffy and Rian Lynch, the chiefs of staff of the rival forces.

MORE CONSTABLES WOUNDED.

Three Seriously Hurt in Ambush at Ballynaran.

Belfast, May 4.—Three members of the Ulster special constabulary were seriously wounded when ambushed at Ballynaran, in southeastern county Londonderry, last night. One constable was wounded in a similar affair at Cookstown, county Tyrone.

BOY BELIEVED MURDERED.

His Body Found Hanging in Barn Near Home in Detroit.

Detroit, May 4.—Robert Salaman, Jr., 14 year old high school student, whose body was found hanging in a barn near his home yesterday, was murdered, police believed to-day. The officers and the boy's family at first accepted the theory he had taken his own life, although no motive could be found.

Police investigation disclosed marks of violence that indicated a struggle and the position of the body, it was said, indicated the lad could not have hanged himself.

SLIGHT DROP IN COSTS.

Decrease in Living Expenses 4.2 Per Cent from Dec. 1921 to March 1922.

Washington, D. C., May 4.—The average cost of living in the United States decreased 4.2 per cent in the period from December 1921 to March 1922, according to the latest figures of the department of labor announced to-day. Generally prices in March, however, according to the bureau's figures, were 66.9 per cent higher than in 1913.

GIRL'S BODY IN GRAVE PIT.

She May Have Stumbled In and Been Killed By Fall.

St. John, N. B., May 4.—The body of Bess Fowlow, a young woman of Holyrood, was discovered in a grave pit a hundred yards from her parents' home here to-day. She disappeared several months ago and it is thought she went astray in a blizzard and stumbled in the pit being killed by the fall or smothered by the snow.

TALK OF THE TOWN

J. B. Gomo of Academy street, who was confined to the house all winter by ill health, was able last Saturday to ride out.

Mr. and Mrs. John Braut of Providence, R. I., and mother, Mrs. Emilia Braut of St. Hyacinthe, P. Q., are visiting Mr. and Mrs. J. B. Gomo of Academy street.

A very enjoyable little birthday party was held last evening at the home of Miss Ruth Davis of Maple Grove street when about 25 of her girl friends gathered with her to celebrate her birthday. Games of all kinds were enjoyed and a good time had in general. Refreshments were served by the hostess during the evening and the party broke up nearly midnight before the party broke up.

Assistant General Freight Agents J. R. MacAnany of the Boston & Maine railway and J. L. Dempsey of the Central Vermont railroad attended a meeting yesterday afternoon in the office of Traffic Manager Waters of the Granite Manufacturers' association, relative to the rate situation in the Barre granite district. The committee from the Granite Manufacturers' association consisted of R. Q. McDougal of the Donnell & Sons, A. J. Young of the Young Brothers plant, William Murray for Novelli and Calogami, William Milne representing the William Milne Granite company, William Barclay for Barclay brothers and C. A. Perry of the Harrison Granite company. A very free and fair discussion of the rate situation developed and resulted in the hope that benefits will be derived by Barre shippers.

FIND ONE BODY; SEEK ANOTHER

John Amor Burned to Death Fighting Fire at Penacook, N. H.

HE WAS TRAPPED
BY THE FLAMES

J. E. Symonds Table Factory Was Destroyed Last Night

Concord, N. H., May 4.—The body of John Amor of Penacook was found this morning in the ruins of the J. E. Symonds table factory, in that village, destroyed by fire last night. Amor was an employee of the company and was assisting in fighting the flames when he was trapped. Arthur Couch of Penacook, another employee, is missing, and it is believed that he, too, lost his life. The loss is variously estimated from \$100,000 to \$200,000. About 100 men were thrown out of employment.

The fire broke out at 9 o'clock, near a chimney, which had given trouble before. Hardly had the alarm been given before the largest of the group of structures was a mass of flames. Concord and Boston sent fire fighting equipment and men to aid. Two dwelling houses, one of them a quarter of a mile from the main fire, became ignited, causing another call to be sent to Concord for aid. Both these fires were extinguished.

BARRE MAN DEFENDANT.

In Suit Tried in Chittenden County Court, Denies Allegation.

Burlington, May 4.—There was started in county court yesterday morning the case of Josie Relatkov vs. Thomas L. Stacy. The defendant lives in Barre and the plaintiff formerly resided there, but now makes her home in this city. The defendant who was the first witness called in the case, not only denied the charges against him, but professed very little knowledge about the affairs of the plaintiff. According to statements of the plaintiff's attorney, the defendant has been sending her money from time to time for support of herself and child, up until the time he bought a farm.

Attorneys J. J. Enright and G. M. Page appear for the plaintiff, while E. R. Davis of Barre and A. L. Sherman of this city appear for the defendant.

The jury which is on this case, is as follows: D. B. Cameron, Burlington; Ira Chase, St. George; John Collins, South Burlington; A. H. Duhamel, Burlington; Thomas Henley, Richmond; George Macdonald, Westford; E. N. Ober, Huntington; E. J. Palmer, Shelburne; F. C. Slater, Underhill; Charles W. Tyler, Williston; C. C. Wheeler, Bolton; Charles Wilcox, Westford.

ONE MILL PICKETED.

And Four at Pawtucket Were Not Bothered.

Pawtucket, R. I., May 4.—Textile workers who have been picketing mills affected by the strike for nearly 15 weeks now find their occupation gone. To-day there were no pickets at four of the five mills effected by the restraining orders issued by Grand Justice Tanner. At the fifth, the plant of the United States finishing company, about 30 pickets assembled. Policemen in charge of Sergeant Wadsworth took the names of about one half of the men and then ordered them to disperse. They quickly complied. The officials have not decided whether contempt proceedings will be taken against the pickets.

ARREST IN HOLYOKE ROBBERY.

Apparel and Furs to Value of \$50.00 Alleged Stolen.

Holyoke, Mass., May 4.—Police Captain Peter A. Cullen is on his way to Brooklyn with warrants for the arrest of three men apprehended there yesterday in connection with the alleged theft of apparel and furs valued at \$50.00. The warrants charge larceny of goods valued at \$11,000 from the store of H. Dambrow here Monday night. One of the warrants is for the arrest of Cosmo Carbone of Springfield, and the others are John Doe warrants, as the names of the other men had not been learned here when Cullen left.

MANY POTATOES BURNED.

In Destruction of Boston & Maine Freight Shed in Boston.

Boston, May 4.—The potato shed in the Boston & Maine freight terminals at Charlestown was swept by fire last night with a loss of about \$10,000. A large quantity of potatoes were destroyed. A few were near the state prison, but few of the inmates knew of it.

ROAD PATROLMEN TO HAVE STAFFS.

Patrol staffs of metal bearing a plate with the words "S. H. R." and "Patrol" on one side and "Vt." and the patrolman's number on the other side will be sent out to all patrolmen by the state highway department for the purpose of identifying and locating the patrolman while he is on road work. The staff is to be displayed at all times while on the road, and if the patrolman leaves the road for any purpose, such as to go to a gravel bank, the staff is to be set up at the point where he leaves the road. The staffs are to show the whereabouts of the patrolman to road officials and the traveling public. The patrolmen are empowered to give directions and information about the roads to travelers. The staffs are also expected to lessen complaints against the patrolmen on the ground that they have not been at work at certain times when they have been off the road to get gravel.

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KNICKERS FOR ARME- NIAN GIRL, NOW FOR HER DAUGHTER

Philadelphia, May 4.—Included in the 200 tons of clothing which represented Philadelphia's response to the state-wide call for old clothing, issued by the Near East relief were two pairs of brand new ladies' knickerbockers. Accompanying them was a note from an Armenian parent, who expressed the hope that some unfortunate girl in Armenia would find them to be just as utilitarian as a daughter of hers believed them to be fashionably.

ROUSING WELCOME FOR FREED LABOR MAN

Michael Curtin Was Given Two Purses and Otherwise Honored.

Bellows Falls, May 4.—Michael Curtin, who was convicted last fall of "attempted intimidation" in connection with the local paper mill strike, was yesterday released from the state prison at Windsor, having served the sentence of six months, less the time off for good behavior.

Curtin was met there by officials of the local unions and brought to North Walpole via Wilder and Claremont, reaching his home here about 5:30. The automobiles were met at the town line by a drum corps and practically the entire village escorted him to the village hall, which was packed. He was warmly welcomed and presented a purse of gold from the unions and a purse of money from division No. 2, A. O. H., after which he was escorted by the people, headed again by the drum corps to his home on Center street.

Curtin spoke at the hall, thanking the people "for their many acts of kindness during my incarceration, to which I feel no imprisonment more of an honor than a disgrace."

DELAY PASSAGE OF ARMY AND NAVY BILLS

Until New Pay Schedules for Military Service Have Been Worked Out.

Washington, D. C., May 4.—The intention of congressional leaders to delay passage of the annual army and navy appropriation bills until the new pay schedule for the military services, recently worked out by a joint congressional commission, is enacted into law, was made known to-day by Representative Modell of Wyoming. House Republican leader, and Senator Vadasworth of New York, in charge of the army appropriation bills in the Senate.

BROOKFIELD, MASS., SUFFERS.

Three Buildings Destroyed, One Man Was Rescued.

Brookfield, Mass., May 4.—Fire of mysterious origin destroyed the heart of Brookfield's commercial center at an early hour this morning, causing a loss estimated at \$300,000.

The heaviest loss was in the destruction of the Midget theatre, the town's only amusement house.

The fire was discovered at about 1:30 by passing autos, who saw flames leaping from a barn in the rear of the Metropole block. In response to a call for aid, fire apparatus was sent from three nearby towns.

Three blocks, besides the barn where the fire started, were reduced to ashes. There were the Metropole block, occupied by the Midget theatre, Mulcahy's variety store and the Murphy-Crossley store, and the Bay Path shoe building.

Herbert Plattynplace, 75 years old, who was asleep in his bed and whose workmen's club room in the Bay Path shoe building, was rescued by one of the volunteer fire fighters.

MILL WORKER SHOT.

Frank Rivers of Milton Got Bullet in the Hand.

Milton, May 4.—As Frank Rivers, who works at the pulp mill was returning to his home on Railroad street immediately after the 11 o'clock shift Tuesday night he was struck by a bullet which imbedded itself in his hand, making a wound which bled so freely that his wife had to apply a tourniquet and bandages and then accompany him to the office of Dr. L. C. Holcomb, where the wound was dressed.

FIRED FOR HAVING STILL.

Middlebury Men Ordered To Pay \$300 Each and Costs.

Middlebury, May 4.—Jerry La Vittoria and some lawyers were brought before Judge Albert V. Dickinson in Addison county municipal court yesterday charged with manufacturing intoxicating liquor and possession of a still. Both pleaded guilty and were fined \$300 and costs each. The court continued the case for 30 days in order for them to obtain the money. They were held in the sum of \$1000 each for their appearance at that time. They furnished bail and were released. State's Attorney G. W. Stone prosecuted.

TOWNES TO BE CAPTAIN.

Of American Golf Team Against English Amateurs.

New York, May 4.—W. C. Fownes, Jr., of the Oakmont Country club, Pittsburgh, will be captain of the American golf team in the first international match with English amateurs for the Walker cup, it has been announced by a committee of the United States Golf association, empowered to select the team. The match will be held in this country.

All parties live in Poulton except Father McMahon who lives in Schenectady, N. Y. The hearing was held at Rutland. Attorneys were Lawrence, Lawrence, Stafford and Bloomer of Rutland for the plaintiff and Webster and Leamy of Rutland for the defendant.

The action was brought on the theory that Mrs. McGrath and Father McMahon, her son, were partners in the enterprise. Father McMahon owned the land and the adjoining farm but it was ruled that he gave the use of the land to his mother and that no partnership existed. The mother was found to be the individual proprietor. Thomas was sent five miles to get and for the courts which Father McMahon was found to be constructing. It was ruled that Thomas was not employed by Mrs. McGrath at the time of the accident.

Greenfield Firm Registers in Vermont.

The Joel M. Stearns company of Greenfield, Mass., has registered with the secretary of state to do business at Brattleboro as a foreign corporation. The concern deals in general retail hardware.

BREWSTER CASE INQUEST ENDS

Judge Maguire Not Expected To Report Finding for Some Days

29 WITNESSES.
PUT ON STAND

Nature of the Evidence Has Not Been Divulged

Woburn, Mass., May 4.—The inquest into the unexplained fatal shooting of William Lathrop of Middlesex vs. William Donah of the same town, alleged slander, the defendant being put on the stand by his lawyer, F. E. Gleason, and being cross-examined by R. E. Susena for the plaintiff.

Other witnesses for the defense were Mrs. Donah, Mildred Donah and Charles Conney, all of Middlesex. Donah, in his testimony, denied the charges that he had made statements to the effect that Lathrop had had improper relations with a married woman in Middlesex. He admitted using profane language to the plaintiff at one time. Mrs. Donah and Mildred Donah gave testimony tending to impeach the testimony of Aldo Romano, a witness for the plaintiff. Both testified that Romano had made insulting gestures toward the Donah house in passing, which Romano yesterday denied doing.

Charles Conney testified that his wife told him she wanted Lathrop to stay away from the Conney house. Conney requested State's Attorney Charles B. Adams to write a letter to Lathrop telling him to stay away from the house and this was done on Jan. 3, according to testimony.

Witnesses for the plaintiff included Mrs. Lathrop, wife of the plaintiff, Mrs. Edward Currier, his daughter-in-law, Aldo Romano, who had worked for Donah, and the plaintiff, Attorney Susena rested his case yesterday afternoon.

Mrs. Lathrop and Mrs. Currier testified to hearing what Lathrop and Edward Currier said in regard to alleged slanderous statements made by Donah about Lathrop. F. E. Gleason, attorney for the defendant, moved that Mrs. Currier's testimony be stricken out as hearsay and Judge F. M. Butler took the motion under consideration. Mrs. Lathrop also testified to the difference between Lathrop and Donah in regard to some bran sacks.

Romano's testimony was taken with the aid of Frank Pacini as interpreter. He testified that he heard Donah make a statement to the effect that Lathrop was guilty of improper relations with a married woman in Middlesex. This was about three months ago, the witness testified, when he was helping Donah do his milking. Romano admitted on cross-examination, that he had a suit in Montpelier city court against Mr. Donah for \$25, alleged to be due as wages. R. E. Susena, attorney for the plaintiff, in his closing argument, he stated. Asked if he was friendly with Donah at the present time, he said that he would be when he got his money.

The plaintiff testified to some differences which he had had with Donah.

TWO LOSE RIGHT TO RUN.

Motor Vehicle Operator's Licenses Are Taken Away.

The automobile operating license of William Newton of Brattleboro, who was convicted in Montpelier city court recently of operating an automobile while under the influence of intoxicating liquor, has been revoked by Secretary of State Harry A. Black, and will not be reinstated for at least a year. The date of revocation is May 2. Newton ran his car into the building occupied by the Sabin shops on the Berlin side of the river last Saturday.

Burton J. Allen of Waterbury has also lost his license by indefinite suspension from May 3 for operating while under the influence of intoxicating liquor in Middlesex on April 29.

AD LICENSE REVOKED. Secretary Black has suspended indefinitely the automobile operating license of J. E. Huron of Springfield for operating an automobile while under the influence of intoxicating liquor at Springfield on May 1.

Wilfred Ladumme of Bennington lost his license by indefinite suspension on May 2 for causing a serious accident by a pedestrian driving in a careless and negligent manner on April 29.

Peter E. Tuilly's operating license has been revoked from May 3 for at least one year because of his conviction in Addison county municipal court of operating his automobile while under the influence of intoxicating liquor. Tuilly lives in Brattleboro. The license of L. J. Brousseau of Middlebury has been indefinitely suspended from May 1 on the ground of addition to intemperance use of intoxicating liquor.

Lucius L. Nisum of Bridport has lost his license for at least one year from May 3 by revocation because of his conviction in Addison county municipal court on April 25 of operating an automobile while under the influence of intoxicating liquor.

In a further ruling Commissioner Buttles stated that if the injury had occurred